

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHARLIE THORNTON,

Plaintiff,

v.

FEDEX GROUND PACKAGE SYSTEM, INC.,

Defendant.

Civil Action No.
2:05-cv-00656-MEF

**EVIDENTIARY MATERIALS IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT BY DEFENDANT FEDEX GROUND PACKAGE SYSTEM, INC.**

Defendant FedEx Ground Package System, Inc. hereby submits the following exhibits in support of its Motion for Summary Judgment:

1. Affidavit of Timothy Edmonds.
2. Deposition of Charlie Thornton, conducted on March 15–16, 2006.
3. P&D Contractor Business Guide (authenticated as Exhibit V to Thornton Dep. at 132:19–23; 133:1–21).
4. Deposition of Kent Gastineau, conducted on April 12, 2006.
5. Deposition of Stan Trott, conducted on April 12, 2006.
6. Fax from Chad Primus indicating credit approval of Plaintiff (referenced as part of Exhibit L to Thornton Dep. at 187:4–22).

7. Record and certification of Plaintiff's road test (referenced as part of Exhibit L to Thornton Dep. at 187:4–22; 197:7–15; authenticated by Trott Dep. at 75:23; 76:1–4; 78:11–23; 79:1–8¹).
8. Driver's annual certification of motor vehicle violations (authenticated as part of Exhibit L to Thornton Dep. at 187:4–22; 190:2–22; Trott Dep. at 75:23; 76:1–23; 77:1–9).
9. E-mail from Plaintiff to Omar Newman, March 28, 2005 (authenticated as Exhibit UU to Thornton Dep. at 287:10–17).
10. Excerpts from transcript of Plaintiff's audiotape-recorded phone calls produced as part of Plaintiff's Rule 26 Initial Disclosures (authenticated as Exhibit O to Thornton Dep. at 97:11–23; 98:1–23; 99:1–23; 100:1–9).
11. E-mail from Lori Beymer regarding delivery of Plaintiff's van (referenced as part of Exhibit L Thornton Dep. at 187:4–22; authenticated by Gastineau Dep. at 81:7–19).
12. Excerpts from transcript of Plaintiff's "History" audiotape recording produced as part of Plaintiff's Rule 26 Initial Disclosures (authenticated as Exhibit N to Thornton Dep. at 113:21–23; 114:1–18).
13. Letter from Chad Primus at Stearns Bank to Plaintiff, dated April 15, 2005 (authenticated as Exhibit II to Thornton Dep. at 241:6–13).
14. Plaintiff's Initial Disclosures (authenticated as Exhibit I to Thornton Dep. at 333:13–23).
15. Bill of sale of delivery van from Plaintiff to Daniel Goode, dated May 25, 2005 (authenticated as Exhibit AAA to Thornton Dep. at 411:15–23; 412:1–23).
16. Plaintiff's Answers to First Interrogatories from Defendant (authenticated as Exhibit K to Thornton Dep. at 335:7–16).
17. "The Entrepreneurial Spirit" pamphlet (authenticated as Exhibit OO to Thornton's Dep. at 258:9–11; 262:10–16).
18. Letter from Plaintiff to Kent Gastineau, dated May 19, 2005 (authenticated as Exhibit M to Thornton Dep. at 246:9–23; 247:1–12).

¹ Unfortunately, the letter "L" on the label for Exhibit L to Thornton's deposition looks like the letter "C". Because of this, Exhibit L to Thornton's deposition was inadvertently referred to as "Defendant's Exhibit C to Mr. Thornton's Deposition" in the depositions of Trott and Gastineau.

DATED: April 18, 2006

/s Robert K. Spotswood

Robert K. Spotswood (SPO 001)

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2006, I electronically filed the foregoing EVIDENTIARY MATERIALS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT BY FEDEX GROUND PACKAGE SYSTEM, INC., with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following counsel of record for the Plaintiff:

K. Anderson Nelms, Esq.
Jay Lewis, Esq.
The Law Offices of Jay Lewis, LLC
P.O. Box 5059
Montgomery, AL 36103

DATED: April 18, 2006

/s Robert K. Spotswood
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